



City of the VILLAGE of CLARKSTON

Historic District Commission

Art Pappas Village Hall • 375 Depot Road • Clarkston, MI 48346

Draft Agenda – September 10, 2019 at 7 pm

Call to Order

- a) Roll Call: Melissa Luginiski, Jim Meloche, Mike Moon, John Nantau, Jennifer Radcliff
- b) Approval of the Agenda
- c) Announcements:
None
- d) Public Comments:
Individuals can address the HDC on issues that are not on the agenda limiting their comments to three minutes. Comments on agenda items are allowed when that issue is being discussed. Please state your name for the record.
- e) Approval of the August 13, 2019 meeting minutes
- f) New Applications for Review and Approval:
None
- g) Existing Applications for Review and Discussion:
Application for total demolition including outbuildings at 42 West Washington

Peter L. Plummer, Administrative Law Judge, Michigan Office of Administrative Hearings and Rules, on August 13, 2019 issued an Order of Remand to Clarkston Historic District Commission, which reads, in part:

IT IS HEREBY ORDERED AND ADJUDGED that under authority of the Local Historic Districts Act (LHDA) 1970 PA 169, as amended, being MCL 399.201, *et seq.*, (Act), Remand Order for Additional Findings of Fact issued February 8, 2019, by the State Historic Preservation Review Board and this Order, the Clarkston Historic District Commission (HDC) shall record and transcribe consideration at its meeting scheduled for September 10, 2019, or as soon as practicable thereafter, should such meeting be adjourned, the following:

The historic preservation issues relating to Petitioner Lehman Investment Co., LLC's August 8, 2017 Application as an application for a Notice to Proceed as provided in MCL §399.205(6)(a-d). The Clarkston HDC shall evaluate the application and issue or deny a Notice to Proceed. The Clarkston HDC shall make separate and specific findings and take separate votes as to each of the subparagraphs (a) through (d) of MCL §399.205(6)

MCL §399.205(6) states as follows:

(6) Work within a historic district shall be permitted through the issuance of a notice to proceed by the commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the commission to be necessary to substantially improve or correct any of the following conditions:

(a) The resource constitutes a hazard to the safety of the public or to the structure's occupants.

(b) The **resource is a deterrent to a major improvement program that will be of substantial benefit to the community** and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.

(c) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.

(d) Retaining the resource is **not in the interest of the majority of the community**.

IT IS FURTHER ORDERED that the Clarkston HDC shall without undue delay reduce its reasons and decision to writing.

[Emphasis provided within Administrative Law Judge's Order].

- a) Presentation by Applicant
- b) Discussion by HDC
- c) Motions

8) Final Comments

9) Adjourn

The next scheduled meeting will be on October 8, 2019 at 7 pm.